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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
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11 JERRALD D. GAZAWAY,

12 Petitioner,

13 v.

14 STATE OF CALIFORNIA,

15 Respondent.  
16

No. 2:23-CV-0699-DMC-P

ORDER

17 Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of  
18 habeas corpus pursuant to 28 U.S.C. § 2254. Pending before the Court are Petitioner's motions  
19 for the appointment of counsel, ECF Nod. 4 and 5.

20 There currently exists no absolute right to appointment of counsel in habeas  
21 proceedings. See Nevius v. Sumner, 105 F.3d 453, 460 (9th Cir. 1996). However, 18 U.S.C.  
22 § 3006A authorizes the appointment of counsel at any stage of the case "if the interests of justice  
23 so require." See Rule 8(c), Fed. R. Governing § 2254 Cases. In the present case, the Court does  
24 not find that the interests of justice would be served by the appointment of counsel at the present  
25 time.

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1                   Accordingly, IT IS HEREBY ORDERED that Petitioner's motions for  
2 appointment of counsel, ECF Nos. 4 and 5, are denied without prejudice to renewal, at the  
3 earliest, after a response to the petition has been filed.

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5 Dated: July 19, 2023

A handwritten signature in dark ink, appearing to read 'Dennis M. Cota', written over a horizontal line.

DENNIS M. COTA  
UNITED STATES MAGISTRATE JUDGE